

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE MENDOZA-GONZALEZ,

Petitioner,

2:15-cv-02483-APG-GWF

vs.

ORDER

DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, *et al.*,

Respondents.

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In this habeas corpus action, the court has appointed the Federal Public Defender (FPD) to represent the petitioner, Jose Mendoza-Gonzalez (ECF No. 13). The FPD appeared as counsel for Mendoza-Gonzalez on July 6, 2016 (ECF No. 14). The court then set a schedule for further proceedings in the case (ECF No. 15). Under that scheduling order, Mendoza-Gonzalez was to file and serve either a response to respondents' motion to dismiss his original petition for writ of habeas corpus or an amended petition for writ of habeas corpus by October 5, 2016.

On October 5, 2016, Mendoza-Gonzalez filed a motion for an extension of time, requesting a 120-day extension, to February 2, 2017, to file an amended petition. Counsel for Mendoza-Gonzalez states that the extension of time is necessary in order to gather records regarding the case and draft an amended petition. The court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the requested extension of time. The court will grant the motion for extension of time.

1 However, in view of the length of the extension of time granted here, the court warns
2 Mendoza-Gonzalez, and his counsel, that it *will not look favorably upon any motion to further*
3 *extend this deadline.*

4 The court notes that Mendoza-Gonzalez makes clear in his motion for extension of time that
5 he intends to file an amended habeas petition. The filing of the amended petition will moot
6 respondents' motion to dismiss Mendoza-Gonzalez's original habeas petition. Therefore, the court
7 will deny the pending motion to dismiss (ECF No. 8), without prejudice to respondents renewing
8 that motion if necessary, or making any of the same arguments made in that motion in a motion to
9 dismiss an amended petition.

10 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No.
11 16) is **GRANTED**. Petitioner shall have until and including **February 2, 2017**, to file an amended
12 petition for writ of habeas corpus.

13 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
14 proceedings set forth in the order entered July 7, 2016 (ECF No. 15) shall remain in effect.

15 **IT IS FURTHER ORDERED** that respondents' motion to dismiss petitioner's original
16 petition (ECF No. 8) is **DENIED**, as moot, without prejudice to respondents renewing that motion if
17 necessary, or making any of the same arguments made in that motion in a motion to dismiss an
18 amended petition.

19 Dated this 13th day of October, 2016.

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23 UNITED STATES DISTRICT JUDGE
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